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JUN 22 2005

## FACSIMILE

TO Patent and Trademark Office FAX 703-872-9306

FROM Jeffrey T. Klayman, Esq. *JKM* PAGES 7 (INCLUDING THIS SHEET)

PHONE DATE 6/22/2005

RE U.S. Patent Application for Apparatus and Method for Authenticated Multi-  
User Personal Information Database  
Date Filed: November 24, 1999

OUR FILE 2308/102 YOUR FILE Application No. 09/448,722

## COMMENTS

Please see attached interview summary.

PLEASE NOTIFY BROMBERG &amp; SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

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02308/00102 395824.1

Practitioner's Docket No. 2308/102 **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bruce D. Sunstein, Eileen C. Shapiro

Application No.: 09/448,722 Group No.: 3621

Filed: November 24, 1999 Examiner: Reagan, James

For: Apparatus and Method for Authenticated Multi-User Personal Information Database

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY TRANSMITTAL**

1. Transmitted herewith is an Interview Summary for this application.

**STATUS**

2. Applicant is a small entity. A statement was already filed.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
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**TRANSMISSION**

☒ facsimile transmitted to the Patent and Trademark Office, 703-872-9306 (official fax number for technology center 3600) with copy to Examiner James Reagan of Group Art Unit 3621 at 571-273-6710

Signature 

Date: June 22, 2005

Jeffrey T. Klayman

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment or Response After Final Rejection—page 1 of 2

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	26	- 29	= 0	x \$ 25.00	= \$		0.00
INDEP.	5	- 7	= 0	x \$ 100.00	= \$		0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$		0.00
				TOTAL ADDIT. FEE	\$		0.00

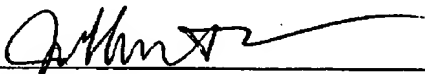
No additional fee for claims is required.

**FEE DEFICIENCY**

5. If an extension and/or fee is required, charge Account No. 19-4972.

If any fee for claims is required, charge Account No. 19-4972.

Date: June 22, 2005

  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 22 2005

Applicants: Sunstein et al.

Atty Dkt: 2308/102

Serial No.: 09/448,722

Art Unit: 3621

Date Filed: November 24, 1999

Examiner: James Reagan

Invention: APPARATUS AND METHOD FOR AUTHENTICATED  
MULTI-USER PERSONAL INFORMATION DATABASE

## CERTIFICATE OF FACSIMILE

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being transmitted by facsimile on June 22, 2005 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at 703-872-9306 (official fax number for technology center 3600) with copy to Examiner James Reagan of Group Art Unit 3621 at 571-273-6710.

Jeffrey T. Klayman

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Dear Sir:

Applicants acknowledge with appreciation the courtesy of a telephonic interview on June 21, 2005 between Examiner James Reagan, Applicant and Attorney Bruce Sunstein, and Attorney Jeffrey Klayman regarding the Office action dated April 1, 2005.

Embodiments of the invention as reflected in the claims amended on February 23, 2005 effectively establish a repository of personal information using physiological identifiers to protect against unauthorized modification (see claim 1 et al.). In accordance with the claims, personal information of a user and a first set of physiological identifiers associated with the user are obtained during an enrollment phase (claim 1, parts a/b). A data set including the personal information and the set of physiological identifiers is stored in a digital storage medium (claim 1, part c). A subject claiming to be the user is permitted to

Appl. No. 09/448,722  
Interview summary submitted June 22, 2005

modify the user's personal information only if the subject provides a new set of physiological identifiers and it is determined, by recourse to the stored data set, that there is a sufficient match between at least one member in the new set and a corresponding member of the first set so that the subject is authenticated as the user (claim 1, part d). In essence, then, users store their personal information in the repository, and the personal information is protected from unauthorized modification using physiological identifiers.

The Examiner has rejected the claims as being obvious in view of a combination of Pare, Bianco, Berson, and Kanevsky. Applicants have addressed the combination of Pare, Bianco, and Berson in earlier communications. The combination of Pare, Bianco, and Berson fails to teach or otherwise suggest an enrollment phase during which personal information to be protected using physiological identifiers is provided by the user, as called out in the claims. The combination of Pare, Bianco, and Berson also does not teach or otherwise suggest establishment of a repository of personal information using physiological identifiers to protect against unauthorized modification, as called out in the claims. This position is confirmed by the Examiner in the Office action, specifically at page 6, lines 1-4 ("Pare/Bianco/Berson do not specifically disclose the newly-added limitation of *there is established a repository of personal information using physiological identifiers to protect against unauthorized modification*").

In the Office action, the Examiner argued that Kanevsky teaches or otherwise suggests such a limitation in at least column 3, lines 10-47 and column 5, lines 41-51. Applicants respectfully submit that those passages cited by the Examiner do not relate at all to a repository of personal information using physiological identifiers to protect against unauthorized modification. Rather, Kanevsky teaches (see, for example, the Abstract) a repository of biometric information that can be used for enrollment of a user in multiple third-party biometric recognition systems based on an initial enrollment in which biometric samples are provided by the user. Unlike the present invention as claimed, which uses physiological identifiers to prevent unauthorized modification of

Appl. No. 09/448,722

Interview summary submitted June 22, 2005

personal information stored by the user in the repository, Kanevsky describes only client access to the information in a repository based on, for example, a username and password, and does not deal at all with user modification of the information in a repository. The sole purpose of the repository in Kanevsky is for enrollment, which presumably is then used by the clients for gating access. It should be noted that some non-biometric information, such as a mother's maiden name, can be stored in the repository, but it is stored only for use by the third-party systems in authenticating users in the same manner as the biometric information (see column 9, line 64 – column 10, line 31). There is no suggestion by Kanevsky that the repository should be used for any purpose other than enrollment. There is certainly no teaching or suggestion by Kanevsky to use physiological identifiers to prevent unauthorized modification of personal information in a repository, as required by claim 1.

In essence, then, Kanevsky addresses a different problem from the presently claimed invention. Specifically, Kanevsky addresses the problem of enrolling a user in multiple third-party biometric recognition systems based on an initial enrollment. On the other hand, the presently claimed invention addresses the problem of securing personal information by preventing unauthorized modification of user-provided information using physiological identifiers.

Appl. No. 09/448,722  
Interview summary submitted June 22, 2005

Claims 1-50 are pending in this application. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

Respectfully submitted,



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